

Master Case No. 5:15-CV-00013-BR

IN RE: NC SWINE FARM)
NUISANCE LITIGATION)
)

THIS DOCUMENT RELATES TO:

***McKiver v. Murphy-Brown LLC*, No. 7:14-CV-180-BR**
***McGowan v. Murphy-Brown LLC*, No. 7:14-CV-182-BR**
***Anderson v. Murphy-Brown LLC*, No. 7:14-CV-183-BR**
***Gillis v. Murphy-Brown LLC*, No. 7:14-CV-185-BR**
***Artis v. Murphy-Brown LLC*, No. 7:14-CV-237-BR**

ORDER

This order memorializes the rulings the court made in its hearing and status conference on 4 December 2017 and sets forth additional information relative to the pretrial conferences and trials in the above cases.

1. Defendant's motion to sever is DENIED, and its alternative motion for separate trials is ALLOWED IN PART.
2. Plaintiffs shall select the first set of plaintiffs for trial, which shall be comprised of eight to twelve plaintiffs from one of the above Discovery Pool Cases. On or before 18 December 2017, plaintiffs shall file notice of their selection.
3. Defendant shall select the second set of plaintiffs for trial, which, to the extent practicable, should consist of as large a representative household of plaintiffs as possible from one of the above Discovery Pool Cases. On or before 27 December 2017, defendant shall file notice of its selection.
4. The first trial is SET for 2 April 2018 in Raleigh. The proposed pretrial order shall be filed on or before 19 February 2018, and the pretrial conference is SET for 5 March 2018.

5. The court anticipates commencing the second trial approximately two weeks after the conclusion of the first trial. U.S. Magistrate Judge Robert B. Jones, Jr. will set relevant pretrial conference deadlines for the second trial by separate order.
6. It is the court's intention to hold subsequent trials at least one per month, with plaintiffs selecting the third trial and defendant selecting the fourth trial and the parties alternating selections as such. Any trial thus selected must be comprised of at least one-half the number of plaintiffs from a Discovery Pool Case. Judge Jones will address by separate order the scheduling of the pretrial conference and trials of the remaining Discovery Pool Cases.
7. The Clerk is DIRECTED to administratively close the Master Case and all individual cases except the above Discovery Pool Cases. Any future filing shall be in the relevant Discovery Pool Case only. An individual case may be reopened on motion of a party and order of the court.

This 5 December 2017.



W. Earl Britt
Senior U.S. District Judge